

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

DARRYL JOHN CHRISTIAN,

Defendant.

CASE NO. CR01-337 JCC

PROPOSED FINDINGS OF
FACT AND DETERMINATION
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on November 29, 2005. The United States was represented by Bruce Miyake. The defendant was represented by Jay Stansell. The proceedings were recorded on disk.

CONVICTION AND SENTENCE

Defendant had been convicted of Possession of Document Making Implement Fraud; Felon in Possession of Firearm on or about May 31, 2002. The Hon. John C. Coughenour of this court sentenced Defendant to 46 months of confinement, followed by 3 years of supervised release.

The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

USPO Brian Rogers alleged that Defendant violated the conditions of supervised release in five respects:

- (1) Using Heroin on or about May 19, August 26 and August 29, 2005, in violation of standard condition number 7 and the mandatory condition that he refrain from any unlawful use of a controlled substance.
- (2) Using Morphine on or about May 19, August 1, August 26, August 29, and September 6, 2005, in violation of standard condition number 7 and the mandatory condition that he refrain from any unlawful use of a controlled substance.
- (3) Using Codeine on or about August 26, and August 29, 2005, in violation of standard condition number 7 and the mandatory condition that he refrain from any unlawful use of a controlled substance.
- (4) Using Marijuana on or about August 1, August 26, and September 6, 2005, in violation of standard condition number 7 and the mandatory condition that he refrain from any unlawful use of a controlled substance.
- (5) Using Marijuana on or about November 10 and 21, 2005, while residing at Pioneer CSC, in violation of standard condition number 7 and the mandatory condition that he refrain from any unlawful use of a controlled substance.
- (6) Falsifying a urinalysis test by using another person's urine on or about November 10, 2005, in violation of the special condition that he participate as directed by the U.S. Probation Officer in a program approved by the probation office for the treatment of narcotic addition, drug dependency or substance abuse, which may include drug testing to determine if the defendant has reverted to the use of drugs.

At an initial hearing, I advised the defendant of these charges and of his constitutional

1 rights. At today's hearing Defendant admitted to violations numbered 1 through 4, waived
2 any hearing as to whether it occurred, and the Government has agreed to dismiss violations
3 numbered five and six. The matter has been set for a disposition hearing before the Hon.
4 John C. Coughenour.

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6 RECOMMENDED FINDINGS AND CONCLUSIONS

7 Based upon the foregoing, I recommend the court find that Defendant has violated the
8 conditions of his supervised release as alleged and set the matter for a disposition hearing.

9 Defendant has been detained pending a final determination by the court.

10 DATED this 1st day of December, 2005.

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13 MONICA J. BENTON
14 United States Magistrate Judge
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18 cc: Sentencing Judge : Hon. John C. Coughenour
19 Assistant U.S. Attorney : Bruce Miyake
20 Defense Attorney : Jay Stansell
21 U. S. Probation Officer : Brian Rogers
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